

Form 1

## IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. \_\_\_\_\_

(To be assigned by the Clerk of the Supreme Court)

Randy S. Laedeke  
Attorney for Petitioner  
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Frank D'Vorak, dba Majestic Cove Park  
Appellant,

v.

Tamara Copley  
Appellee.

## NOTICE OF APPEAL

FAX - FILED

FEB 16 2010

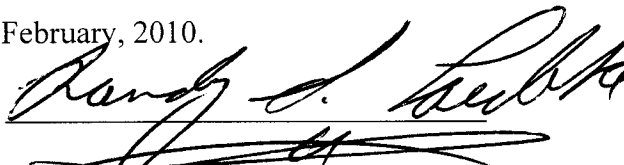
Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

NOTICE is given that Frank D'Vorak, the Appellant above-named and who is the Petitioner ~~plaintiff/petitioner (or other designator)~~ in that cause of action filed in the Thirteenth Judicial District, in and for the County of Yellowstone as Cause No. DV - 08-1861 hereby appeals to the Supreme Court of the State of Montana from the final judgment or order entered in such action on the 15th day of February 2010.

## THE APPELLANT FURTHER CERTIFIES:

1. That this appeal x is/is not \_\_\_ subject to the mediation process required by M. R. App. P. 7. If subject to mediation, the money judgment being sought \_\_\_ is/is not x less than \$5,000.
2. That this appeal is an appeal from an order certified as final under M. R. Civ. P. 54(b). If this is such an appeal, a true copy of the District Court's certification order is attached hereto as Exhibit "A."
3. That the notice required by M. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.
4. That all available transcripts of the proceedings in this cause not been ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.
5. That included herewith is the filing fee prescribed by statute, or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

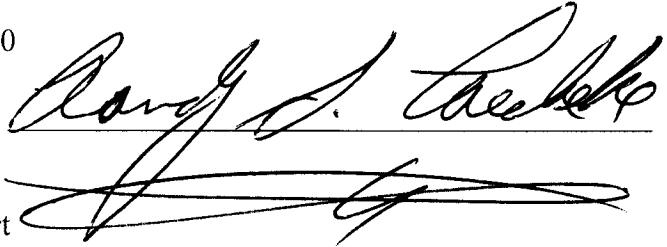
Dated this 15<sup>th</sup> day of February, 2010.

  
Randy S. Laedeke, Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Dated this 15th day of February, 2010



Clerk of District Court  
P.O. Box 35030  
Billings, MT 59107

Name  
Gregory Tomocich  
P.O. BOX 20493  
Billings, MT 59104

Address

Title